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January 19, 2007

House Natural Resources Committee

Chairman McNutt:

The Montana Building Industry Association is a network of nearly 2,000 small businesses from around Montana. Our membership includes homebuilders, suppliers, banks, and building contractors. Nearly all of our member companies have fewer than 10 employees. Our members are the very definition of small businesses and yet collectively they make an enormous contribution to Montana's economy.

I come before you today asking that you not support HB119, a bill with good intentions that unfortunately would create a negative ripple effect on the cost of housing, especially in rural Montana.

As far as we are concerned, HB119 is a fairly straight forward bill. The amendment that affects housing simply says that, to start construction activity, in where you disturb more than 1 acre, you must have a storm water discharge permit.

This bill marks an entirely new philosophy on the storm water discharge permits. Currently under Montana law you need a storm water discharge permit if you are going to discharge storm water. HB119 says that you need a storm water discharge permit when you start a construction project that affects an acre or more – whether or not you discharge storm water.

The MBIA is a strong believer in the goals and intents of storm water discharge permits. If you are going to discharge storm water, you should have a permit to do it.

We also sympathize with the intent of this bill, and we realize that education on the requirements of a storm water discharge permit is needed.

However, this bill takes us from a reasonable law that is generally working, to the farthest extreme you can go with this permit. Every building project on an acre or more will need a discharge permit. Period. No consideration is given to whether or not the permit is actually needed.

Here are a few problems with mandating this permit:

1. Permit application. This process was simplified in 2003, and I can't even imagine the old system. (please see handouts of Storm water pollution prevention plan)
2. Permit preparation costs: In a quick survey of my members earlier this morning, I found that the cost for preparing these storm water pollution prevention plan can often run over \$1,000.

3. Permit Application costs: Currently, the Board of Environmental Review has set the residential storm water discharge permit application fee at \$250.

When building a house in Montana it is very easy to disturb more than one acre of ground (roads, septic system, footprint of the house). This bill will increase the cost a very large number of houses in rural Montana by at least \$1,250 and I can assure you that this cost does not stay at the builder level. It will be passed on to the consumer in nearly 100% of the time.

The real problem with the current process is simply education. Some builders may not know this is required. Wouldn't it be better if we had an education process in place to increase the use of the current process? Contractors must register with the state, MBIA has a newsletter that is sent to more than 2,000 businesses and we would be happy to include articles from the department on this or any other concern.

The bottom line is that this bill goes way too far and will needlessly cost over 1,000 Montana businesses thousands of dollars, and in turn will raise the cost of nearly all housing outside of Montana's cities by at least \$1,250.

Please vote no on HB119.

Thank you,

A handwritten signature in black ink, appearing to read 'Dustin Stewart', with a stylized flourish at the end.

Dustin Stewart  
Government Affairs  
Montana Building Industry Association

**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER PROTECTION BUREAU / STORM WATER PROGRAM  
PO Box 200901 / Helena, MT / 59620-0901**

**STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FORM  
GENERAL PERMIT FOR STORM WATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY**

**IMPORTANT (READ THIS BEFORE COMPLETING FORM):** Before completing this form all parties need to read the General Permit, particularly Part IV on SWPPPs. This SWPPP Form is intended to assist operators in developing a SWPPP which complies with Part IV. of the General Permit. The SWPPP is a document which is developed to direct and assist operators in identifying sources of potential pollutants at the construction activity site, and Best Management Practices (BMPs) to be used to help ensure such pollutants do not impact receiving surface waters through storm water runoff. It is the operator's responsibility to ensure all required items in the General Permit are adequately addressed, and that the SWPPP is developed, implemented, and maintained. Additional narrative information may need to supplement this SWPPP Form in order to meet these requirements. A copy of the SWPPP must be maintained at the construction activity site as required in Part III.C. of the General Permit. Items I through III on this SWPPP Form must state information exactly the same as that indicated on the NOI Form. Attach additional pages as necessary with the item number on this form indicated. For coverage under the General Permit to be valid upon the submittal of a NOI Package, this package must include a complete NOI Form, SWPPP, and fee. Do not submit these items separately. Mail the NOI Package to the DEQ address above. The 2002-2006 General Permit, 2002 Fee Schedule, and related forms are available from the Storm Water Program at (406) 444-3080 or <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>.

**NOI NUMBER** (DEQ will assign when this form (NOI Package) is submitted): **MTR10** \_ \_ \_ \_

**I. OPERATOR INFORMATION**

List each party participating in the construction activity—from initiation of construction through final stabilization—that will be an operator as defined in Part V.T.8. of the General Permit. (Examples: primary contractor, project owner, site/land owners, consultants, or other contractors, such as the "final stabilization" contractor). For each operator, briefly describe responsibilities (what, when, where) for ensuring compliance with General Permit requirements.

**OPERATOR #1**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone (if different from above): \_\_\_\_\_

**Operator #1 Responsibilities:**

**OPERATOR #2**

Name:

Phone:

Mailing Address:

State:

Zip Code:

Contact Person:

Phone (if different from above):

Operator #1 Responsibilities:

**OPERATOR #3**

Name:

Phone:

Mailing Address:

State:

Zip Code:

Contact Person:

Phone (if different from above):

Operator #1 Responsibilities:

**II. INDICATE WHICH OPERATOR IS RESPONSIBLE FOR:**

- A) Achieving "final stabilization" of the site:
- B) Submitting the "Notice of Termination" (Specify one operator only):

**III. CONSTRUCTION ACTIVITY INFORMATION (see General Permit for clarification)**

- A) Construction Activity Name:
- B) Construction Activity Address (or location if no address):
- C) Construction Activity County:
- D) MDT Project Number/Designation (if applicable):
- E) Construction Activity Latitude and Longitude (Refer to Part I.C.2.d. of General Permit):
- F) Estimated Construction Activity Start Date:
- G) Estimated Construction Activity Completion Date:
- H) Estimated Final Stabilization Completion Date:

#### IV. GENERAL SWPPP REQUIREMENTS

A) If the construction activity includes 20 acres or more in total disturbance related to construction activity, indicate the name, affiliation, and Montana License Number for the registered professional engineer which reviewed and stamped the SWPPP.

Name:

Affiliation:

MT License No.:

B) Brief Description of Purpose and Nature of Construction Activity:

C) Proposed Implementation Schedule for Major Activities (indicate which operators are responsible for each activity):

D) Estimate of Total Area of the Site (and all other sites if a phased development project):

E) Estimate of Total Area of the Site Expected to Undergo Disturbance Related to Construction Activity:

F) Check to confirm a site map has been developed and included with this SWPPP which indicates all required information stated in Part IV.G.1.c. of the General Permit: YES

G) Are sand & gravel excavation, other borrow areas, and/or crushing operations associated with project?

Yes ☐ No ☐

Are temporary asphalt batch plant operations associated with this project?

Yes ☐ No ☐

If yes, be sure to include the requested information about these areas on the site map, or a similar separate map, as stated in Part IV.G.1.c. of the General Permit.

H) Describe the character and erodibility of sediment and other earth material to be disturbed at the project site, including cut/fill material to be used:

I) Estimate of Runoff Coefficient and Increase In Impervious Area (refer to Part IV.G.1.e. of the General Permit - only applies if total construction-related disturbance is 5 acres or more):

J) Indicate Names of Receiving Waters and Describe the Size, Type, and Location of each Point Source Discharge or Outfall (refer to Part IV.G.1.f. of General Permit):

## **V. SWPPP BEST MANAGEMENT PRACTICES (BMPs) AND STORM WATER MANAGEMENT CONTROLS**

**A) Describe Applicable Local Erosion and Sediment Control Requirements:**

**B) Describe in detail, temporary BMPs and storm water management controls which will be used for erosion and/or sediment control during construction-related earthwork activities. Indicate the location of these measures on the site map required above, or a similar separate map, as much as practicable. Include a schedule for implementation for each of these measures. Attached details and specifications may be used to supplement this description. Refer to Parts IV.G.2.a.,b.,c. of the General Permit. Examples of temporary measures could include but are not limited to: slope roughening; vegetative buffer strips; silt fences; straw bale dikes; erosion control blankets/mats; temporary drain diversions; minimizing clearing; temporary sediment basins/traps; mulching; temporary seeding; brush barriers; up-slope runoff diversions/controls; inlet/outlet protection; disturbance area runoff diversions/controls; waterway protection; and, ditch runoff flow dispersers (e.g. level spreaders)/flow inhibitors.**

C) Describe in detail, permanent and structural BMPs and storm water management controls which will be used for erosion and/or sediment control during and after construction-related earthwork activities. These would include measures to achieve final stabilization (as defined in Part V.T.6. of the General Permit). Indicate the location of these measures on the site map required above, or a similar separate map, as much as practicable. Attached details and specifications may be used to supplement this description. Refer to Parts IV.G.2.a.,b. of the General Permit. Examples of permanent measures could include but are not limited to: permanent seeding; check dams; retaining walls; drain inlet protection; rock outlet protection; drainage swales; sediment basin & traps; earth dikes; manmade erosion control structures; grassed waterways; sod stabilization; infiltration trenches or basins; subsurface drains; level spreader; terraced slopes; tree or shrub planting; pipe slope drains; vegetative buffer strips; detention ponds; and, containment ponds.

D) Describe what products or wastes may be stored or utilized at the construction activity site, indicate on the site map as required above, and indicate what BMPs will be used to minimize potential pollutants from these materials coming into contact with storm water runoff. Examples of products or wastes could include but is not limited to: fuels; concrete; masonry blocks; solvents; detergents; steel; roofing shingles; fertilizers; paints; tar; pesticides; lumber; other petroleum-based materials; other hazardous materials (including wastes); solid waste; and, concrete truck wastewater disposal.

E) Describe any measures that will be used to prevent vehicle tracking of sediment from the construction site onto roads (examples include a graveled access entrance and exit drives and parking areas, and a tire wash pad at exit drive):

F) When trucking saturated soils from the site, either tight leak-proof trucks must be used or loads must be required to drain until drippage has been reduced to less than 1 gallon per hour before leaving the site.

Will saturated soils be trucked from the site?    Yes       No

G) Describe man-made and natural measures to control pollutants in storm water discharges after construction operations have been completed. Refer to Part IV.K. of the General Permit. Examples include: vegetative waterways and natural landscape; infiltration trenches or basins; storm water detention structures; wet ponds or man-made wetlands; and, storm water containment structures.

H) BMPs must minimize or prevent "significant sediment" (as defined in Part V.T.13. of this General Permit) from leaving the construction site. If "significant sediment" results from the failure of erosion or sediment control measures, the operator(s) shall evaluate the effectiveness of such measures or other BMPs and incorporate improvements to minimize the potential for "significant sediment". Additionally, if "significant sediment" results from the failure of erosion or sediment control measures, the material must be cleaned up and placed back on the site or disposed of in an acceptable manner. The material must not be washed into the storm sewer(s), drainageway(s), or receiving surface waters. There may be obligations for the operator(s) to obtain other permits or permissions to clean up the "significant sediment."

## VI. CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

Print Name of Operator #1 or Authorized Representative

Title

Signature of Operator # 1 (Name must match that above)

Date

Print Name of Operator #2 or Authorized Representative

Title

Signature of Operator #2 (Name must match that above)

Date

Print Name of Operator #3 or Authorized Representative

Title

Signature of Operator #3 (Name must match that above)

Date